

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

BRADBURY_____	BURNS_____	EDMONDS_____
GiaQUINTA_____	HENRY_____	LONG_____
REDD_____	SCHMIDT_____	TALARICO_____

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 13th day of November, 1990, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 15th day of November, 1990.

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

24 October 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-90-10-08

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
24th day of October 1990.

Robert Hutner
Secretary

Perfect form

Contact Person:

A W Fruechtenicht
321 Metro Building
FORT WAYNE IN 46802



boyce
FORMS-SYSTEMS

P.O. Box 2039 - 501 W. Riffin Rd.
Muncie, Indiana 47307-0039
800-382-8702 or 317-289-2233, FAX 317-289-2376

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment
From R-3 to M-1

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

1925 E Washington B1

Reason for Project

Future expansion of AALCO Distributing Company.

Discussion (Including relationship to other Council actions)

15 October 1990 - Public Hearing

A W Fruchtenicht, attorney for the petitioners, AALCO Distributing Co., Inc., appeared before the Commission. Mr Fruchtenicht stated that this company is a beer and wine distributor and has been in business since 1949 and has been at its present location at the corner of East Washington and Grant Street since the early 1960's. He stated that it is locally owned and operated. He stated that they have run out of room and they must have additional warehousing space. He stated in the summer of 1988 they requested and received a rezoning on the east half of the property in question. He stated they did not at that time own the west half of the property. He stated the property was at that time owned by a 93 year old gentlemen who had agreed to sell to AALCO when he chose to move. He stated in 1988 after they received the original rezoning they tried to squeeze a warehouse on the property. However, they could not construct a building on the size of property they had that was adequate for their needs. He stated that since that time the gentlemen on the property in question

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

AALCO Distributing Co., Inc.
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation

For



Against

Reason Against

Board or
Commission
Recommendation

By



For



Against



No Action Taken



For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL
ACTIONS
(For Council
use only)

☐ Pass

☐ Other

☐ Pass (as
amended)

☐ Hold

☐ Council Sub.

☐ Do not pass

DETAILS

has moved and AALCO has bought the property. He stated that if rezoned they hope to construct a warehouse facility on this property in the spring.

Mel Smith questioned how large of a building
 they would be constructing.

It was stated it would be approximately 10,000 to 15,000 square feet.

There was no one else who wished to speak in favor of or in opposition to the proposed rezoning.

22 October 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 12 September 1990

Projected Completion or Occupancy

Date 24 October 1990

Fact Sheet Prepared by
Patricia Biancaniello

Date 24 October 1990

Reviewed by

Date 10-24-90

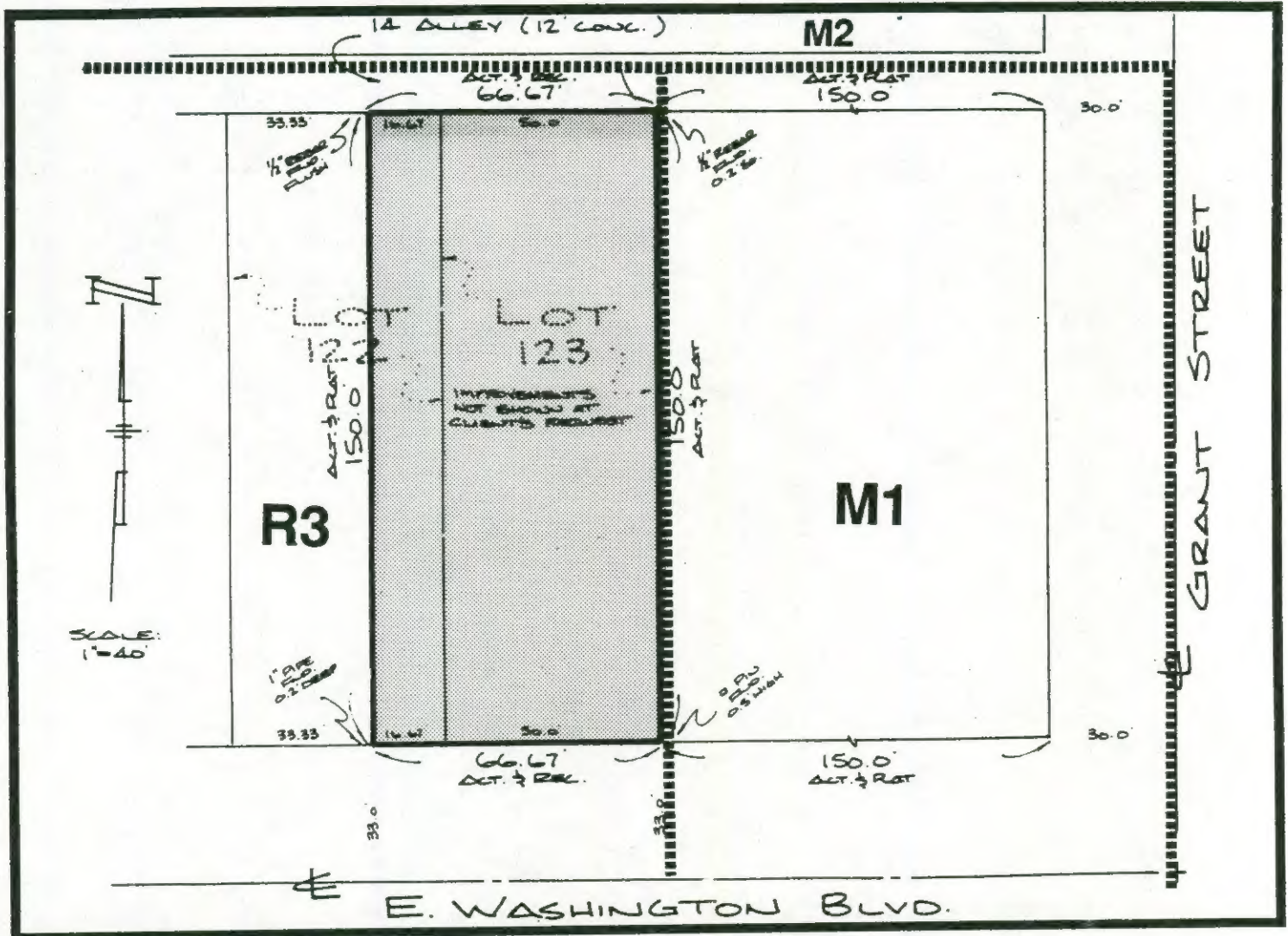
Reference or Case Number

REZONING PETITION #449

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R3 DISTRICT TO A M1 DISTRICT.

MAP NO. P-6

COUNCILMANIC DISTRICT NO. 1



ZONING:

R3 RESIDENTIAL DISTRICT

M1 LIGHT INDUSTRY

M2 GENERAL INDUSTRY

LAND USE:

☐ COMMERCIAL

SCALE: 1"=40'

LW

DATE: 9-24-90



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on October 9, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-90-10-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on October 15, 1990.


NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held October 22, 1990.

Certified and signed this
24th day of October 1990.



Robert Hutner
Secretary

A. W. Fruechtenicht, attorney for AALCO Distributing Co., Inc.
requests a change of zone from R-3 to M-1.

Location: 1925 East Washington Blvd.

Legal: Lot 123 and the E 16 2/3 feet of Lot 122 in White's First Addition to the City of Fort Wayne.

Land Area: Approximately 0.229 acres

Zoning: R-3

Surroundings:

North	M-2	Industrial
South	R-2	Cemetery
East	M-1	Parking lot
West	R-3	Parking / Residential

Reason for Request: Not stated on petition

Neighborhood Assoc.: Memorial Park Association

Neighborhood Plan: The location identified in the petition is in the Memorial Park Neighborhood of which a portion is a Neighborhood Strategy Area (NSA).

A rezoning of this small portion of the neighborhood will not have an adverse impact since most of the northern section of the neighborhood is already predominantly industrially zoned.

Therefore it is recommended that this petition for rezoning be granted by the Plan Commission.

Comprehensive Plan: The general land use policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Central Area. There are three main goals in the Central Area: 1) to maintain existing development, 2) to halt deterioration, and 3) to encourage re-investment.

The continued industrial development along this section of East Washington Blvd. is not inconsistent with the Comprehensive Plan.

Landscape: No comment.

Planning Staff Discussion:

This site is immediately across the street from the Lutheran Cemetery. To the east are three lots that were subject to a rezoning petition in 1988. At that time AALCO requested a change of zone from R-3 to M-1 to allow for expansion of its use, namely the eventual construction of a warehouse facility.

AALCO's main site is across the street to the east, with other industrial uses located to the north. The area between Grant Street and Anthony Blvd. consists of either open lots, parking lots or a couple of residential uses near the Anthony intersection.

Due to the needs of the area involved, and the desire to keep a growing business located in this area, we will endorse the petition. While we are concerned with the overall impact of this rezoning on the aesthetic values of this community gateway, we expect that development will enhance the appeal of the area, as AALCO is an important part of the community.

Approval should have little or no impact on the adjacent property values, or the overall character of the area.

Recommendation: Do Pass for the following reasons:

- 1) Approval will not impact the adjacent property values.
- 2) Approval would be consistent with intent of both the Comprehensive Plan and the Neighborhood Plan for this area.



THE CITY OF FORT WAYNE

23 October 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one
(1) ordinance concerning the vacation of a dedicated alley.

The proposed ordinance is designated as:

BILL NO. G-90-09-08

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
23rd day of October 1990.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

Alley Vacation Ordinance

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

A North/South alley East of Clay Street between Wayne & Berry Streets.

Reason for Project

To accommodate the future construction of the Foellinger Foundation headquarters.

Discussion (Including relationship to other Council actions)

17 September 1990 - Public Hearing

Dick Moake, architect, representing the Foellinger Foundation appeared before the Commission. Mr. Moake stated that they are requesting the vacation in order to accommodate the proposed new Foellinger Foundation Headquarters that is going to be built on this block.

David Long questioned if they were planning to landscape according to the diagram that Mr. Moake presented to the Commission.

Mr. Moake stated that generally speaking they would adhere to the plan as shown, but that they may not do as much landscaping in one area because there may be future parking proposed for that area.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Lincoln National Bank
Trustees
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation
☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By

☒ For ☐ Against

☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)
CITY COUNCIL
ACTIONS
(For Council
use only)
☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

DETAILS

24 September 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation with the following conditions:

- 1) Providing new easements or utility relocation as needed;
- 2) Provide an improved and dedicated cul-de-sac at the end of the remaining public alley from Monroe Street; and,
- 3) Submitting a revised legal description of the portion of the alley to be vacated. (It appears that the dedication of the cul-de-sac will most likely require the use of a portion of the petitioned area.)

Of the seven (7) members present 6 voted for the motion, one (1) did not vote.

Motion carried.

22 October 1990 - Business Meeting

Richard Moake, architect, with Moake-Park Associates, Inc., sent a letter to the staff requesting that the Commission withdraw the conditional approval which required that they dedicate a cul-de-sac at the end of the remaining public alley from Monroe Street. He stated the following factors as the reason for this request:

- 1) There is only one (1) property which utilizes the remaining portion of this alley.
- 2) There is sufficient space for their vehicles to turn around without backing onto the street; it is unlikely that a turnaround

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

(if provided) would even be used.

3) This one property should soon be acquired by Lincoln Bank eliminating the need for this remaining portion of the alley and we will then file to have the remainder of this alley vacated.

4) We will provide a temporary turnaround on our property until such time this property is acquired.

5) Dave Ross of Traffic Engineering has already agreed that this is an acceptable approach.

Motion was made and seconded to approve the request from Mr. Moake as requested and delete the condition that required a cul-de-sac on this alley vacation.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote.

Motion carried.

Project Start

Date 23 July 1990

Projected Completion or Occupancy

Date 23 October 1990

Fact Sheet Prepared by

Date 23 October 1990

Patricia Biancaniello

Reviewed by

Date 10-24-90

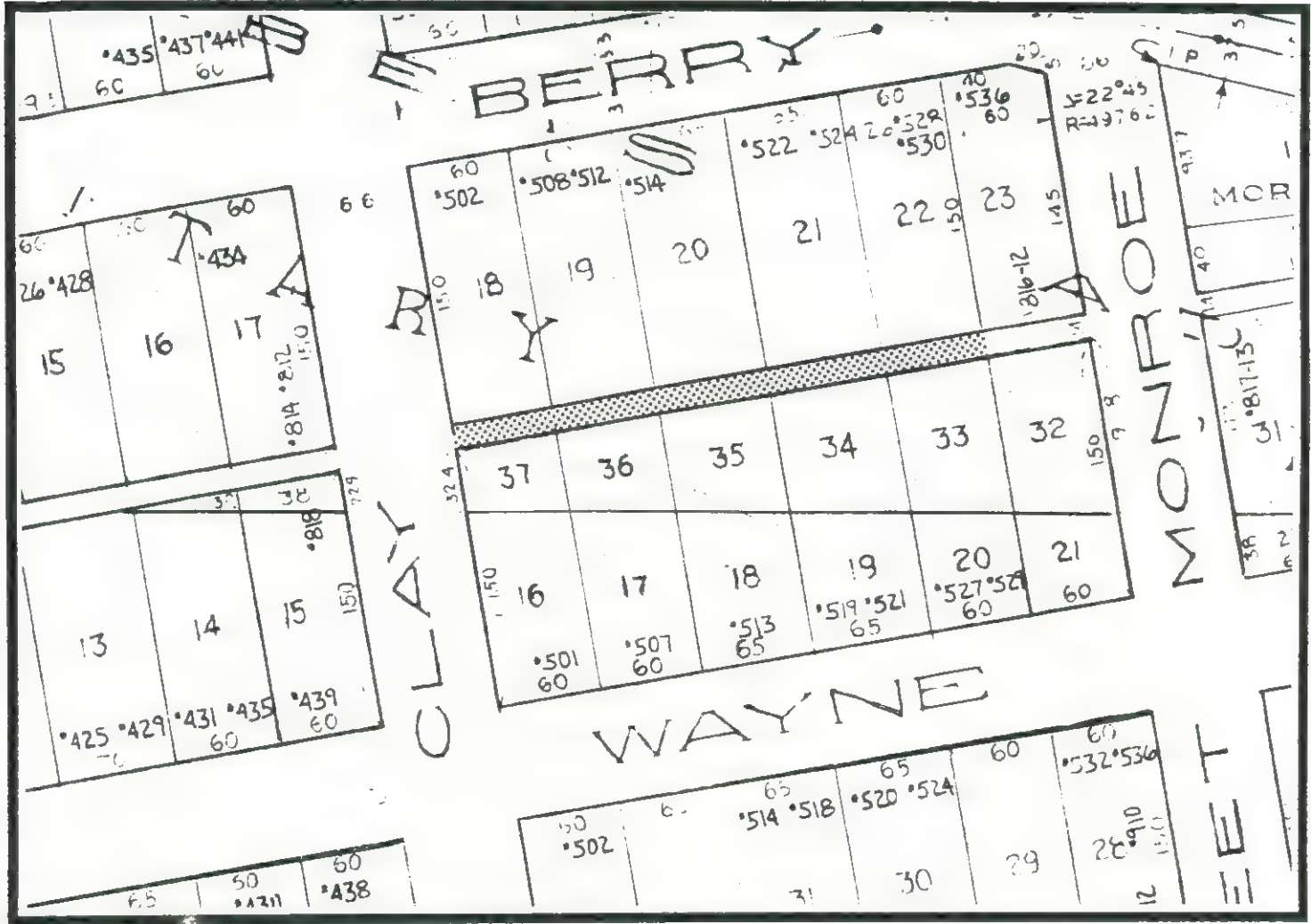
Reference or Case Number

VACATION PETITION #446

A PETITION TO VACATE THE DESCRIBED PORTION OF PUBLIC ALLEY.

MAP NO. N-6

COUNCILMANIC DISTRICT NO. 1



ZONING:

M1 LIGHT INDUSTRY

LAND USE:

☐ COMMERCIAL

SCALE: 1"=100'

DATE: 8-29-90



RESOLUTION 78-303-6

WHEREAS, the LINCOLN NATIONAL BANK TRUSTEES have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley situated in Fort Wayne, Allen County, to-wit:

A fourteen (14) foot wide alley running between the East right-of-way line of Clay Street and East to, but not including, Lots 21, 23 and 32, located South of Lots 18 thru 22 and North of Lots 33 thru 37 all in Tabers Addition to the City of Fort Wayne, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:


COUNTY OF ALLEN)

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held

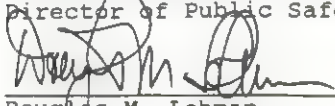
and as same appears of record in the official records of the Board of Public Works.

DATED THIS 24 DAY OF October 1990

FORT WAYNE BOARD OF PUBLIC WORKS


Charles E. Layton
Director of Public Works

Michael McAlexander
Director of Public Safety


Douglas M. Lehman
Director of Administration & Finance

RESOLUTION

WHEREAS, the LINCOLN NATIONAL BANK TRUSTEES have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley situated in Fort Wayne, Allen County, to-wit:

A fourteen (14), foot wide alley running between the East right-of-way line of Clay Street and East to, but not including, Lots 21, 23 and 32, located South of Lots 18 thru 22 and North of Lots 33 thru 37 all in Tabers Addition to the City of Fort Wayne, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on September 17, 1990 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held September 24, 1990, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 23rd DAY OF October 1990

FORT WAYNE CITY PLAN COMMISSION

Robert Huthner
Secretary

Lincoln National Bank Trustees, request the vacation of an alley.

Location: East of Clay Street between Wayne and Berry Streets.

Legal: See file

Land Area: Approximately 5040 Sq. Ft. (0.115 acres)

Zoning: The surrounding area is zoned M-1.

Surroundings:	North	M-1	Open area
	South	M-1	Pemberton Electronics
	East	M-1	Open & Residential
	West	M-1	Mixed uses

Reason for Request: Not stated on petition.

Neighborhood Assoc.: Neighborhood Community Association

Neighborhood Plan: No comment.

Comprehensive Plan: No comment.

Landscape: No comment received.

Planning Staff Discussion:

It is our understanding that the Follinger Foundation is in the process of acquiring all of the abutting properties for eventual development of the site. Lincoln National Bank is currently trustee for the parcels.

The only existing development in this area is the Pemberton Electronics site on Wayne Street and some residential uses along Monroe Street. It appears that this alley is not needed for access to public places or other public ways, and that its vacation will have minimal impact on the area provided that existing utilities can be relocated or have new easements granted.

We do have some concerns with the potential impact of this vacation on Monroe Street. As you can see from the attached graphic, there is a portion of the alley at the east end (at Monroe St.) that will not be vacated. Leaving this approximate sixty feet of alley will allow vehicles to turn off of Monroe Street, but would force them to either back out into the right-of-way, or turn around on private property. We would suggest that the petitioner must provide an improved and dedicated cul-de-sac at the end of this portion of the alley.

Recommendation: Conditional Approval, contingent upon the petitioner satisfying the following:

- 1) Providing new easements or utility relocation as needed;
- 2) Provide an improved and dedicated cul-de-sac at the end of the remaining public alley from Monroe Street; and,
- 3) Submitting a revised legal description of the portion of the alley to be vacated. (It appears that the dedication of the cul-de-sac will most likely require the use of a portion of the petitioned area.)



October 15, 1990

Mr. Wayne O'Brien
Community and Economic Development
City/County Building, Room 800
One Main Street
Fort Wayne, IN 46802

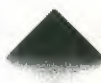
RE: The Foellinger Foundation
Commission No. 89063
Vacation Petition #446 - To Vacate Alley
Located East of Clay Street between Wayne and Berry Streets.

Dear Mr. O'Brien:

This letter is to request that you withdraw your conditional approval recommendation that an improved and dedicated cul-de-sac be provided at the end of the remaining public alley from Monroe street. This request for a change is based upon the following factors:

- 1) There is only one (1) property which utilizes the remaining portion of this alley.
- 2) There is sufficient space for their vehicles to turn around without backing onto the street; therefore, it is unlikely that a turnaround (if provided) would even be used.
- 3) This one property should soon be acquired by Lincoln Bank eliminating the need for this remaining portion of alley and we will then file to have the remainder of this alley vacated.
- 4) We will provide a temporary turnaround on our property until such time this property is acquired.
- 5) Dave Ross of Traffic Engineering has already agreed that this is an acceptable approach.

Architecture
Interior
Planning
Management

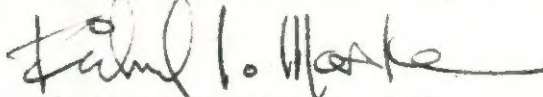


202 West Berry
Suite 630
Fort Wayne, Indiana
46802
219-420-1061

It is urgent, Wayne, that this be accomplished as soon as possible. Bids are being received on Tuesday, October 16, 1990, and construction must begin immediately in order to beat the winter weather. Any delays will greatly increase costs to our client and could be avoided with immediate action.

Sincerely,

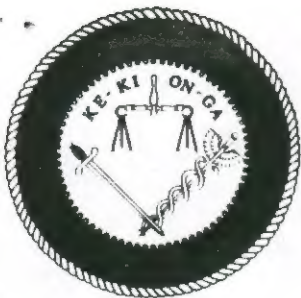
MOAKE PARK ASSOCIATES, INC.

A handwritten signature in dark ink, appearing to read "Richard L. Moake", written over the typed name.

Richard L. Moake, AIA

RLM/bg

cc: Walt Helmke
File B3



The City of Fort Wayne

October 23, 1990

Moake Park Associates
202 W. Berry Street
Fort Wayne, In, 46802

RE: Vacation Petition # 446
G-90-09-08

Dear Mr. Moake:

The Fort Wayne City Plan Commission reviewed your request to amend the conditions placed on this vacation at their October 22th business meeting. It was their decision to withdraw the requirement for a dedicated cul-de-sac at the end of the remaining alley. You are still required to provide for utility easements or relocations as needed.

All ordinances which are given a "Do Pass" recommendation by the Fort Wayne City Plan Commission, upon conditions to be met by the petitioners or other interested parties, shall be held by the staff for a period of up to six months. In the event that said conditions are not satisfied within that time period, the petition will be returned to the Plan Commission for its reconsideration and recommendation of "Do Not Pass".

If you have any questions, please contact our office at 427-1140.

Sincerely,

Larry Magliozzi
Larry Magliozzi
Senior Planner

LM/weo

XC: file